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May 28, 2014

VIA ECF FILING

The Honorable Sidney H. Stein
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *Tighe v. PNC Bank, N.A., et al*, Case No. 1:14-02107-SHS

Dear Judge Stein:

We are compelled to respond to the baseless claims made by plaintiff's counsel in his letter to the Court dated May 27, 2014, and entered as Docket Number 39.

Plaintiff's counsel accuses the Assurant Defendants of "orchestrating collusive settlements" which "guarantee[] payment of class counsel's attorneys' fees but little more." In fact, it is plaintiff's counsel who is obsessed with finding some avenue to recover fees, as more and more competing LPI class actions settle over his firm's objections – which have been characterized by Chief Judge Moreno of the Southern District of Florida in a final approval order as "laughable," "meritless," "misplaced," "specious," and without "the slightest hint of merit." *Saccoccio v. JP Morgan Chase Bank, N.A. et al.*, --- F. Supp. 2d ----, Case No. 13-21107-CIV, 2014 WL 808653 (S.D. Fla. Feb. 28, 2014). Two other identical LPI settlements also have been preliminarily approved by Judge Moreno. See *Fladell v. Wells Fargo Bank, N.A., et al.*, Case No. 0:13-cv-60721-MORENO/OTAZO-REYES (S.D. Fla.), Dkt. No. 168; *Diaz v. HSBC USA, N.A., et al.*, Case No. 1:13-cv-21104-FAM (S.D. Fla.), Dkt. No. 113. And another LPI settlement, with a virtually identical claim structure, has been preliminarily approved by Judge Hurd in the Northern District of New York. *Casey v. Citibank, N.A.*, Case No. 5:12-cv-820 and *Coonan v. Citibank, N.A.*, Case No 1:13-cv-00353; Dkt. No. 161-162.

The apparent motivation for Plaintiff's counsel's statements is his firm's unhappiness that other plaintiff's firms are recovering fees in connection with the referenced settlements that extinguish their competing class actions. The Assurant Defendants regret plaintiff's counsel has felt it appropriate to involve this Court in disputes over settlements pending in other courts and involving other plaintiffs, other loan servicers, and other lender-placed insurance relationships. We respectfully request that the Court enter a simple order transferring this case to the

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Southern District of Ohio based on the parties' consent, but without the controversial reference to "first-filed" which Plaintiff's counsel requests.

Respectfully,

A handwritten signature in black ink, appearing to read "Frank Burt". The signature is fluid and cursive, with a large initial "F" and a stylized "B".

Frank G. Burt

cc: Counsel of record (via ECF)